



HISTORIC LANDMARKS COMMISSION HEARING SYNOPSIS

WEDNESDAY, DECEMBER 3, 2003

Regular Session
6:00 P.M.

City Hall, Room 205
801 North First Street
San Jose, CA

COMMISSION MEMBERS

GLORIA SCIARA, CHAIR
STEPHEN POLCYN, VICE CHAIR

AVELINO LEGASPI
MICHAEL YOUMANS

SANDRA PAIM
JUSTINE LEONG

EDWARD JANKE

STEPHEN M. HAASE, AICP, DIRECTOR
DEPARTMENT OF PLANNING, BUILDING AND CODE ENFORCEMENT

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 277-4576 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting.

NOTICE TO THE PUBLIC

Good evening, my name is **Gloria Sciara**, and I am the Chair of the Historic Landmarks Commission. On behalf of the Commission, I would like to welcome you to tonight's meeting. I will now call to order the **December 3, 2003** meeting of the Historic Landmarks Commission. Please remember to turn off your cell phones and pagers.

When addressing the Commission, please approach the Commission, identify yourself and state your address for our records. After you have finished speaking, please write your name and address on the speaker's list at the table.

The procedure for public hearings is as follows:

- After the staff report, applicants may make a five-minute presentation.
- Anyone wishing to speak in favor of the proposal should prepare to come forward. Each speaker will have two minutes.
- After the proponents speak, anyone wishing to speak in opposition should prepare to come forward. Each speaker will have two minutes.
- Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The Commission will then close the public hearing. The Historic Landmarks Commission will take action on the item.

The procedure for referrals is as follows:

- Anyone wishing to speak on a referral will be limited to one minute.
- Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The Historic Landmarks Commission will comment on the referral item.

If a Commissioner would like a topic to be addressed under one of the Good and Welfare items, please contact Planning staff in advance of the Commission meeting.

An agenda and a copy of all staff reports have been placed on the table for your convenience.

AGENDA

ORDER OF BUSINESS

6:00 PM SESSION

1. ROLL CALL

ALL WERE PRESENT, EXCEPT PAIM AND POLCYN WERE ABSENT (5-0-2).

2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the table. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

The matter of deferrals is now closed.

3. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Historic Landmarks Commission, staff or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please make your request at this time.

- a. APPROVAL OF THE NOVEMBER 5, 2003 HISTORIC LANDMARK COMMISSION SYNOPSIS.

APPROVED (5-0-2) PAIM AND POLCYN ABSENT).)

- b. APPROVAL OF THE OCTOBER 23, 2003 HISTORIC LANDMARK COMMISSION SYNOPSIS.

APPROVED (5-0-2) PAIM AND POLCYN ABSENT).)

The Consent Calendar is now closed.

4. PUBLIC HEARINGS

a. **ADDITION OF QUALIFYING EAST DOWNTOWN FRAME HISTORIC PROPERTIES TO THE HISTORIC RESOURCES INVENTORY.**

1. **THE INCLUSION OF THE QUALIFYING PROPERTIES LOCATED WITHIN GEOGRAPHIC AREA NO. 4 on the City of San Jose Historic Resources Inventory. Council District: 3. CEQA: Exempt.**

RECOMMENDATION

PLANNING STAFF IS RECOMMENDING THAT THE HISTORIC LANDMARKS COMMISSION CONSIDER AND ADD THE QUALIFYING EAST DOWNTOWN FRAME SURVEY HISTORIC PROPERTIES IDENTIFIED IN GEOGRAPHIC AREA NO.4 (AS AMENDED) TO THE CITY OF SAN JOSE HISTORIC RESOURCES INVENTORY.

Commissioner Youmans noted that the property located at 687 South Tenth Street is not accurately photographed on the State Form. It was suggested that planning staff check the photograph and State form and report back to the Commission at the February meeting.

Commissioner Leong noted that the porch had been altered on the property located at 452 South Ninth Street. Chair Sciara responded that alterations could be made as long as they did not impact the property's significance.

STAFF RECOMMENDATION ADOPTED WITH THE EXCEPTION OF THE PROPERTY LOCATED AT 687 SOUTH TENTH STREET (5-0-2) PAIM AND POLCYN ABSENT).

2. **THE INCLUSION OF THE QUALIFYING PROPERTIES LOCATED WITHIN GEOGRAPHIC AREA NO. 5 on the City of San Jose Historic Resources Inventory. Council District: 3. CEQA: Exempt.**

Staff noted that the owners of the properties located at 602 South Tenth Street (Helen Del Ponte) and 763 South Eleventh Street (John Sahpazis) had contacted the Planning Division to ask that their properties not be added to the Inventory. Staff distributed the letter from the owner of the property located at 602 South Tenth Street.

RECOMMENDATION

PLANNING STAFF IS RECOMMENDING THAT THE HISTORIC LANDMARKS COMMISSION CONSIDER AND ADD THE QUALIFYING EAST DOWNTOWN FRAME SURVEY HISTORIC

PROPERTIES IDENTIFIED IN GEOGRAPHIC AREA NO. 5 (AS AMENDED) TO THE CITY OF SAN JOSE HISTORIC RESOURCES INVENTORY.

Commissioner Youmans noted that the property located at 471 Margaret Street is not accurately described on the State Form. It was suggested that planning staff check the site and State form and report back to the Commission at the February meeting.

The owner of the property located at 662 South Tenth Street, Mr. Phil Tan spoke to ask that his property not be added to the Inventory so that he could have more time to understand how inclusion in the Inventory would impact his property.

Mr. Dennis Del Ponte spoke on behalf of Helen Del Ponte, the owner of the property located at 602 South Tenth Street, to say that the property was insignificant and to ask that the property not be added to the Inventory because he believed doing so would reduce the property value and restrict its use.

Commissioner Janke asked Staff to speak to the owner's concerns. Staff explained that the owner would have access to the California State Historic Building Code which represents a significant savings in rehabilitation work, that in the case of this multi-family residence no additional Planning Permits would be required for work as a result of inclusion in the Inventory, and that while property values are not part of the decision-making process to add structures to the Inventory, several studies have indicated increased property values in neighborhoods that have been preserved.

STAFF RECOMMENDATION ADOPTED WITH THE EXCEPTION OF THE PROPERTY LOCATED AT 471 MARGARET STREET (5-0-2) PAIM AND POLCYN ABSENT).

3. REQUEST FOR REMOVAL OF THE PROPERTY LOCATED AT 386 MARGARET STREET (GEOGRAPHIC AREA NO. 3) from the San Jose Historic Resources Inventory. Council District 3: CEQA Exempt.

RECOMMENDATION

PLANNING STAFF RECOMMENDS THAT THE HISTORIC LANDMARKS COMMISSION UPHOLD THE OCTOBER 1, 2003 VOTE AND RETAIN THE QUALIFYING HISTORIC PROPERTY LOCATED AT 386 MARGARET STREET, AS IDENTIFIED IN THE EAST DOWNTOWN FRAME SURVEY AS A STRUCTURE OF MERIT, IN THE CITY OF SAN JOSE HISTORIC RESOURCES INVENTORY.

The owner of the property located at 386 Margaret Street, Michael Mullinix, spoke to reiterate his email request to the Commission that his property not be listed because the property was insignificant and he believed doing so may cause delays, could result in unknown financial costs, and may effect property values.

DEFERRED TO FEBRUARY 4, 2003 TO ALLOW APPLICANT TO MORE FULLY UNDERSTAND THE IMPLICATIONS OF INCLUSION IN THE INVENTORY (5-0-2) PAIM AND POLCYN ABSENT).

4. RE-EVALUATION OF THE PROPERTY LOCATED AT 755 SOUTH TENTH STREET PROPOSED FOR ADDITION TO THE HISTORIC RESOURCES INVENTORY (GEOGRAPHIC AREA NO. 3) Council District 3: CEQA Exempt.

RECOMMENDATION

PLANNING STAFF RECOMMENDS THAT THE HISTORIC LANDMARKS COMMISSION UPHOLD THE OCTOBER 1, 2003 DECISION NOT TO ADD THE PREVIOUSLY QUALIFYING HISTORIC PROPERTY, LOCATED AT 755 SOUTH TENTH STREET AND IDENTIFIED IN THE EAST DOWNTOWN FRAME SURVEY, TO THE CITY OF SAN JOSE HISTORIC RESOURCES INVENTORY.

Commissioner Leong stated that she had visited the site and agreed that it had been altered.

Chair Sciara asked whether the alterations had been done with the privilege of Building Permits. Commissioner Janke asked that staff determine whether the work was done with permits and if not refer the issue to Code Enforcement Division.

STAFF RECOMMENDATION ADOPTED (5-0-2) PAIM AND POLCYN ABSENT).

5. PETITIONS AND COMMUNICATIONS

- a. Public comments to the Historic Landmarks Commission on nonagendized items. Each member of the public may address the Commission for up to two minutes. The Commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Historic Landmarks Commission is limited to the following options:
 1. Responding to statements made or questions posed by members of the public; or
 2. Requesting staff to report back on a matter at a subsequent meeting; or

3. Directing staff to place the item on a future agenda.
- b. Verbal update on Japantown survey project

The selected consultant will be announced at the February 2004 HLC meeting.

- c. Distribution of and discussion regarding letter from Valley Transit Authority regarding the Water Tower/Tank at Diridon station

Commissioner Youmans will contact the VTA to ask where the receiver site identified as 699 Park Avenue is located.

Judi Henderson noted that the City Council approved the Downtown Commercial Historic District Design Guidelines at the Dec. 2, 2003 CC Hearing and authorized fast-tracked Guidelines for the rest of downtown. She asked the HLC to look into this action.

Alex Marthews, Executive Director of PAC SJ, spoke to bring the Commission's attention to the proposal to develop the north side of St. James Park. A DDA will be heard by City Council on Dec. 9, 2003. PAC SJ is concerned about the proposed demolition of Letcher's Garage.

6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

- a. ST03-008. STREET RENAMING OF KING ROAD, a public street, to Martin Luther King Road located between Berryessa Road and Silver Creek Road.

DROPPED

- b. REPORT AND DISCUSSION REGARDING HISTORIC LANDMARKS COMMISSION ATTENDANCE AT DECEMBER 2, 2003 CITY COUNCIL PUBLIC HEARING on the planned development zoning of the property at 5600 Cottle Road for Lowes Home Improvement Warehouse Inc.

Commissioner Janke noted that while the testimony by the preservation community was exemplary, it is not clear that anything would have rebutted City Council's decision to approve the rezoning and EIR. The feared loss of tax dollars was most likely unfounded, as it will more likely result in a re-distribution of tax dollars. He states that this is one more nail in the coffin that makes San Jose a less desirable City to live in.

Commissioner Legaspi concurred and added that he is disappointed in political leaders who make shortsighted decisions based only on money.

Alex Marthews, PAC SJ, expressed his gratitude for the testimony of Chair Sciara, Vice Chair Polcyn, Commissioner Legaspi, and Commissioner Janke. Mr. Marthews continued that PAC SJ is exploring further options on the project, but has not come to any decisions. He is also not sure that the real

economics of the decision made any difference to a Council that wanted to send a message to developers that they can build whatever they wish in this City.

Judi Henderson, a citizen of San Jose, spoke to say that the preservation community lost, and that the Council's performance was disappointing. But sometimes it is better to bury the entire building, rather than to save one wall. She asked whether there would be any chance to comment on the City Council memo that specified mitigation. The money that will go into building the memorial wall could be better spent.

Ron Siporen, spoke as a resident of the City of San Jose to say that the Commissioners spoke eloquently at the Council Hearing, but that it was a done deal. Homeowners, small businesses, labor unions and historic preservationists spoke at the hearing, and the Council did not listen to them. The Chamber of Commerce did not represent its members. The project will not produce, rather just recycle tax dollars. The Council accepted a flawed economic analysis. Alternatives to that project would have resulted in a net gain for the City.

Chair Sciara thanked the Commissioners who spoke at the Council Hearing for their efforts. She was disheartened by the lack of meaning in the public process.

7. GOOD AND WELFARE

- a. Report from the Redevelopment Agency

NO REPORT

- b. Report from the Secretary

- Status of Circulation of Environmental Review Documents

Notice of Preparation of a Draft Environmental Impact Report for the 126 Viola Avenue Demolition Project

Notice of Preparation of a Draft Environmental Impact Report for the Almaden Avenue Parking Lot and Landscape Buffer (507 Almaden Avenue)

- c. Report from the Subcommittees

- Design Review

November 19, 2003 DRC Cancelled
Next Meeting: December 17, 2003

- History San Jose Collections Committee Liaison

Commissioner Youmans reported that History San Jose is now screening donations and charging a fee to cover the price of preserving

and archiving. He also viewed an impressive collection of preservation maps which can be purchased on line through the *Library of Congress American Memory* website.

- Coyote Valley Specific Plan and Habitat Conservation Plan Technical Advisory Committee

No Report from the November 18, 2003 meeting

November 25, 2003 meeting CANCELLED

**Next Meeting: Tuesday December 16, 2003
City Hall Room 106 at 3:00 pm**

8. ADJOURNMENT

APPROVED (5-0-2) PAIM AND POLCYN ABSENT).

2003-2004 HISTORIC LANDMARKS COMMISSION MEETING SCHEDULE

DATE	TIME	TYPE OF MEETING	LOCATION
December 3, 2003	6:00 p.m.	Regular Meeting	Room 205
December 17, 2003	12:00 p.m.	Design Review Meeting	Room 400
February 4, 2004	6:00 p.m.	Regular Meeting	Room 205
February 18, 2004	12:00 p.m.	Design Review Meeting	Room 400
March 3, 2004	6:00 p.m.	Regular Meeting	Room 205
March 17, 2003	12:00 p.m.	Design Review Meeting	Room 400
March 24, 2004	1:00 p.m.	Half-day Retreat	TBD
April 7, 2004	6:00 p.m.	Regular Meeting	Room 205
April 21, 2004	12:00 p.m.	Design Review Meeting	Room 400
May 5, 2005	6:00 p.m.	Regular Meeting	Room 205
May 19, 2004	12:00 p.m.	Design Review Meeting	Room 400
June 2, 2004	6:00 p.m.	Regular Meeting	Room 205
July 21, 2004	12:00 p.m.	Design Review Meeting	Room 400
August 4, 2004	6:00 p.m.	Regular Meeting	Room 205
August 18, 2004	12:00 p.m.	Design Review Meeting	Room 400
September 1, 2004	6:00 p.m.	Regular Meeting	Room 205
September 15, 2004	12:00 p.m.	Design Review Meeting	Room 400
September 24, 2004	1:00 p.m.	Half-day Retreat	TBD
October 6, 2004	6:00 p.m.	Regular Meeting	Room 205
October 20, 2004	12:00 p.m.	Design Review Meeting	Room 400
November 3, 2004	6:00 p.m.	Regular Meeting	Room 205
November 17, 2004	12:00 p.m.	Design Review Meeting	Room 400
December 1, 2004	6:00 p.m.	Regular Meeting	Room 205

HISTORIC LANDMARKS AGENDA ON THE WEB:

<http://www.ci.san-jose.ca.us/planning/sjplan/Hearings/hearings2003.htm>